IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 2263 OF 1996

Between:

B. Anjaneyulu, S/o Narasimhulu,

Aged 45 years, Occ: Conductor, APSRTC,

Gannavaram Depot, Krishna District.

..... PETITIONER

AND

1. The State of A.P. rep. by its Secretary,

Labour, Employment, Training &

Factories (Lab.I) Department, Secretariat, Hyderabad.

2. The Presiding Officer,

Labourt Court, Guntur.

3. The Depot Manager, APSRTC,

Vijayawada II Depot, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Certiorari and quash the Award passed in ID No.39 of 1992 by the Presiding Officer, Labour Court, Guntur, dt 20.4.995, as published in G.O. Rt.No. 2111 of Labour, Employment, Training & Factories (Lab.I) Dept, dt 7.9.995, and quash the same to the extent of the denied portion viz., continuity of service with back wages and all other attendant benefits.

For the Petitioner: Mr. Kowturu Vinaya Kumar, Advocate
For the Respondent No.1&2: Government Pleader for Labour

For the Respondent No.3: Mr. V.T.M.Prasad, Standing Counsel

For APSRTC

The Court Made the Following :

:: ORDER ::

Aggrieved by the Award of the Labour Court, Guntur, dated 20.4.995 in ID NO. 39 of 992, the workman is before this court.

The petitioner was appointed as a Conductor on temporary basis in February 1981. While he was conducting a bus on the Gudivada – Vijayawada route on 3.4.1987 a check was exercised by the inspecting officials, irregularities were noticed and he was issued a charge memo dated 3.4.1987 alleging that he had reissued a ticket of Rs.1.50 denomination to a passenger who boarded the bus at stage No5/4 and bound for Benz Circle and another charge that he issued lower denomination tickets of Rs.1.50 ps, instead of Rs.2/- after collecting the fare of Rs.2/- each from a batch of two passengers who boarded the bus at Kankiparu bound for Vijayawada. After a due process of enquiry a punishment of removal from service was imposed by the management by the order dated 7.8.1987. The departmental appeal was rejected on 6.8.1988. After an unsuccessful writ petition, which was rejected on the ground of maintainability in view of availability of an alternative remedy under the Industrial Disputes Act 1947, the petitioner instituted ID No.39/92 u/Sec.2-A(2) of the Act. On a cogent and careful analysis of the evidence on record in the domestic enquiry, the Labour Court rightly concluded that the charges were established at the domestic enquiry against the petitioner. No infirmity, procedural or substantive, was found in the process of domestic enquiry or in the conclusions of the guilt of the petitioner, recorded therein. However, on the basis of earlier decisions rendered by the Division Bench of this court in substantially similar factual parameters, the Labour Court found that the punishment of removal from service was excessive and disproportionate to the trivial amount involved i.e., Rs.2/- and Rs..50 ps. Accordingly

the Labour Court directed that the workman shall be entitled to reinstatement as fresh recruitee without either back wages or continuity of service.

There is ample evidence by way of statements of passengers attested by the writ petitioner and spot statement submitted by him at the time of check admitting reissue of Rs.1.50 denomination ticket and issuance of less denomination tickets, to substantiate the charge levelled against the petitioner. Such an evidence is sufficient evidence by domestic enquiry standards where the degree of proof required is not of the rigorous degree required in prosecution. The labour court has also rightly concluded that the charge against the petitioner was established in the domestic enquiry.

For the aforesaid reasons this court finds no warrant to interfere with the Award impugned. There are no merits in the writ petition, which is accordingly dismissed. No costs.

Date: 30.09.2004 ----------

Pvsn Justice G.Raghuram

1. The Secretary, Government of AP,

Labour, Employment, Training &

Factories (Lab.I) Department, Secretariat, Hyderabad.

2. The Presiding Officer,

Labourt Court, Guntur.

3. The Depot Manager, APSRTC,

Vijayawada II Depot, Vijayawada.

4. Two copies to the Government Pleader for Labour, High Court Buildings, Hyderabad (OUT)

5. 2 CD Copies.